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E-FILED 1/9/08

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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HUHTAMAKI FINANCE B.V., et al.,

NO. C 07-02514 RS

Plaintiffs,

**ORDER TRANSFERRING CASE
WITH RECOMMENDATION OF
DISMISSAL**

v.

KENNETH DEAN AFFOLTER,

Defendant.

/

This action for trademark infringement and related claims was filed on May 10, 2007, against Kenneth Dean Affolter, an individual allegedly doing business as “Beyond Bomb.” At plaintiffs’ request, the Clerk entered the default of Affolter on July 9, 2007. Notice of that default mailed to Affolter at his address of record, a detention facility operated by the Alameda County Sheriff, was returned as undeliverable.

Plaintiffs have taken no further action to pursue this matter. On December 12, 2007, the Court issued an order to show cause as to why the action should not be dismissed for failure to prosecute. Plaintiffs did not respond to the order to show cause or appear when the matter was called on January 9, 2008. It is evident that plaintiffs have abandoned their efforts to seek legal remedies against Affolter. No party, however, has consented to the jurisdiction of the undersigned to issue dispositive rulings in this case. Accordingly, it hereby ordered that the matter be reassigned

1 to a District Court Judge for disposition, and it is recommended that it be dismissed, without
2 prejudice.

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5 IT IS SO ORDERED.

6 Dated: January 9, 2008

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RICHARD SEEBORG
United States Magistrate Judge

1 **THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN GIVEN TO:**

2 Vito Anthony Costanzo vito.costanzo@hklaw.com

3 Counsel are responsible for distributing copies of this document to co-counsel who have not
4 registered for e-filing under the Court's CM/ECF program.

5 **Dated: 1/9/08**

Richard W. Wiking, Clerk

6 **By: Chambers**